

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANDREW TOBIAS,

Plaintiff,

CASE NO. C20-340 RSM

V.

ORDER DISMISSING COMPLAINT

THE WHITE HOUSE,

Defendants.

On March 2, 2020 Plaintiff Andrew Tobias filed a *pro se* Prisoner Civil Rights Complaint and an application to proceed *in forma pauperis*. Dkt. #1. The Court may deny an application to proceed IFP and may dismiss a complaint if it is frivolous or fails to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B). An action is frivolous if “it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). The Court has reviewed the Complaint submitted and, construing all allegations in the light most favorable to the Plaintiff and giving due deference to Plaintiff’s *pro se* status, concludes the Complaint fails to state a claim upon which relief may be granted. The Court accordingly **DISMISSES** the Complaint with prejudice for the reasons below.

The Complaint alleges that Defendant White House is engaged in psychic spying on

1 Plaintiff's thoughts and making psychic attacks on Plaintiff, including psychic murder. *See* Dkts.
2 #1-1 at 6, #1-3 at 1-7. Plaintiff has made similar allegations in at least three other complaints filed
3 in this court. *Tobias v. Federal Government*, 19-2017-JLR (Dismissed December 13, 2019);
4 *Tobias v. Federal Government* 19-2095-RSM (Dismissed January 24, 2020); and *Tobias v.*
5 *Whitehouse*, 19-2096-JCC (Dismissed March 2, 2019).

6 As noted above, the Court may dismiss any complaint that is frivolous. A case is frivolous
7 if the facts alleged are "clearly baseless," *Neitzke*, 490 U.S., at 327 or "fanciful," *id.* at 325,
8 "fantastic," *id.*, at 328, or "delusional." *Id.* The Supreme Court notes that as these words suggest,
9 a finding of factual frivolousness is appropriate when the facts alleged rise to the level of the
10 irrational or the wholly incredible—regardless of whether there are judicially noticeable facts
11 available to contradict them. *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). Here, the Court
12 concludes that Plaintiff's allegations that Defendant is making psychic attacks on him is wholly
13 incredible. Furthermore, this Court has previously dismissed at least three other complaints
14 containing similar allegations. Accordingly, the Court ORDERS:

- 15 (1) The Complaint is dismissed with prejudice.
- 16 (2) The application to proceed *in forma pauperis* is stricken as moot.
- 17 (3) The Clerk shall provide Plaintiff with a copy of this Order.

18 DATED this 5th day of March 2020.

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21 RICARDO S. MARTINEZ
22 CHIEF UNITED STATES DISTRICT JUDGE
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